



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.20034 of 2019

RM.Ramanathan

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Higher Education Department,
Secretariat, Chennai.

2.The Director of Technical Education,
Guindy, Chennai-20.

3.The Correspondent,
Arulmigu Palaniandavar Polytechnic College,
Palani, Dindigul District.

... Respondents

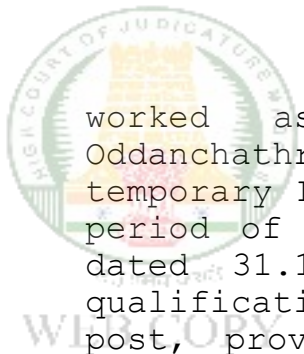
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to promote the petitioner as Lecturer in the Electronic and Communication Department in the third respondent College as per G.O.Ms.No.2406, Education Department, dated 31.10.1981 by considering the petitioner's representation, dated 05.06.2019 and subsequent reminder dated 26.07.2019.

For Petitioner	: Mr.V.Panneer Selvam
For Respondents	: Mr.V.R.Shanmuganathan, Special Government Pleader.

ORDER

This Writ Petition is filed to direct the respondents to promote the petitioner as Lecturer in the Electronic and Communication Department in the third respondent College, as per G.O.Ms.No.2406, Education Department, dated 31.10.1981, by considering the petitioner's representation, dated 05.06.2019 and subsequent reminder dated 26.07.2019.

2.According to the petitioner, he is a B.E., graduate in Electronics and Communication and working as Junior Assistant in Electronics and Communication Department in the third respondent college. A vacancy in the post of Lecturer in Electronics and Communication Department arose, due to the retirement of one K.V.Sudhandradevi in the year 2016. Till today, the said post is vacant. The petitioner is fully qualified to be appointed as Lecturer in Electronic and Communication Department. He has also



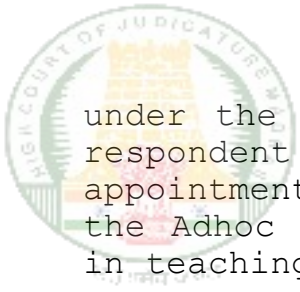
worked as Lecturer in Christian Engineering College at Oddanchathram, for a period of 5 years and he has also worked as temporary Lecturer at Palani Subramaniya Engineering College, for a period of 6 years. As per G.O.Ms.No.2406, Education Department, dated 31.10.1981, if a non-teaching staff is having required qualification for teaching post, he may be considered for the said post, provided there is an approved vacancy. The Director of Collegiate Education has also issued proceedings, dated 01.02.1983, to implement the above Government Order. The petitioner has given a representation, dated 05.06.2019 to the third respondent to send them to the second respondent. However, no order was passed and hence, the petitioner has come out with the present Writ Petition.

3.The learned Special Government Pleader appearing for the respondents, on instructions, submitted that the Government Order in G.O.Ms.No.2406, dated 31.10.1981 and the proceedings of the Director of Collegiate Education, dated 01.02.1983, relied on by the petitioner, are only applicable to the Arts and Science Colleges and it is not applicable to the Polytechnic Colleges. The appointment to the post of Lecturer in the Polytechnic Colleges and the service conditions are governed by separate rules i.e., Government Polytechnics (Men and Women) and Special Institutions Post of Lecturer (Engineering Subjects) Adhoc Rules (hereinafter referred to as 'the Adhoc Rules'). As per the said rules, there is no provision for appointing the non-teaching staff as Lecturer, even if there is a vacancy in the sanctioned post and prayed for dismissal of the Writ Petition.

4.Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents and perused the materials available on record carefully.

5.The petitioner is working as Junior Assistant in the third respondent college, which is a non-teaching post. According to the petitioner, he is eligible to be appointed as Lecturer in Electronics and Communication Department in the vacancy, that is arisen by the retirement of one K.V.Sudandradevi. The petitioner is relying on the Government Order in G.O.Ms.No.2406, dated 31.10.1981 and the proceedings of the Director of Collegiate Education, dated 01.02.1983, in support of his claim.

6.A reading of the said Government Order shows that there is a provision in the rules for the appointment of Lecturer in the Arts and Science Colleges to consider the non-teaching staff to be appointed in teaching posts. Based on the said provision, the Government has issued the said Government Order. To implement the said order, the Director of Collegiate Education has issued proceedings dated 01.02.1983. The petitioner does not come under the control of the Director of Collegiate Education and the rules and regulations applicable to the staff of the Arts and Science Colleges are not applicable to the petitioner. The petitioner is



under the control of the Director of Technical Education / second respondent herein and governed by separate rules framed for appointment and other service conditions. There is no provision in the Adhoc Rules to consider the non-teaching staff to be appointed in teaching post.

WEB COPY

7. For the above reasons, this Writ Petition stands dismissed.
No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar (CS)

Myr

To

1. The Secretary to Government,
State of Tamil Nadu,
Higher Education Department,
Secretariat, Chennai.
2. The Director of Technical Education,
Guindy, Chennai-20.
3. The Correspondent,
Arulmigu Palaniandavar Polytechnic College,
Palani, Dindigul District.

+1 CC to M/s.V. PANEER SELVAM, Advocate SR-90927.
+1 CC to GP SR-91205.

W.P. (MD) No.20034 of 2019
01.10.2019

CS (31.10.2019) 3P 6C